



THE CITY OF NEW YORK MANHATTAN COMMUNITY BOARD 3

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Alysha Lewis-Coleman, Board Chair

Susan Stetzer, District Manager

May 2020 Vote Sheet

Executive Committee

no votes necessary

Land Use, Zoning, Public & Private Housing Committee

1. Approval of previous month's minutes approved by committee
2. DCAS-led report on 70 Mulberry Street demolition and process/options for rebuilding

VOTE: TITLE: 70 Mulberry Street Demolition

WHEREAS, on January 23rd, 2020, a 5-alarm fire destroyed the top 3 floors of the historic 5-story 70 Mulberry Street building and caused significant water and structural damage on the other floors as well; and

WHEREAS, the 70 Mulberry Street building was constructed in 1893 to house PS 23, the first public school built by C.B. J. Snyder, who went on to oversee the construction of more than 160 schools in NYC, many of which are New York City Landmarks. One of its innovative features was the basement auditorium—the first step in a movement to provide community centers and neighborhood meeting halls within schools. After the school closed in 1975, the building became home to five Chinatown non-profits and cultural institutions: Chinatown Manpower Project, H.T. Chen & Dancers, Chinatown Senior Center operated by the Chinese-American Planning Council, the United East Athletics Association, and the archives of the Museum of Chinese in America, all of whom are currently displaced; and

WHEREAS, the building is a contributing resource within the Chinatown and Little Italy National Register Historic District and is of national architectural and cultural significance; and

WHEREAS, the diversity of community uses and services these organizations provide to Chinatown residents include but are not limited to programming for seniors, vocational training, workforce development, small business assistance, dance performance and education, archives and artifacts from 40 years of MOCA curation and collection, and youth education and athletics programming; and

WHEREAS, the Department of Buildings (DoB) and Department of Citywide Administrative Services (DCAS) have determined that there has been extensive fire damage on the top floors, as well as additional water and structural damage to the remaining floors and building shell, and that DCAS has determined, without any community input, and is now being planned for a full demolition; and

WHEREAS, Chinatown is an important cultural destination in New York City, yet 70 Mulberry Street was one of the only spaces in Chinatown that supports and houses non-profits and cultural institutions that provide cultural programming, education, and training to the community; and

WHEREAS, Chinatown has very little community facility space and the neighborhood lacks accessible spaces for community meetings; and

WHEREAS, in a January 27th 2020 statement, Mayor Bill de Blasio committed to "rebuild or restore" at this location and work with the current tenant organizations as that process unfolds¹; and

WHEREAS, while demolition at 70 Mulberry Street has already begun and is scheduled to finish in October 2020, the process and timeline for planning a new building and starting new construction has not been determined; and

¹ <https://www1.nyc.gov/office-of-the-mayor/news/042-20/de-blasio-administration-helps-organizations-displaced-chinatown-fire>

WHEREAS, in this challenging time for City finances and operations due to COVID-19 and budget shortfalls, it is particularly important to make sure there is a well-conceived plan to ensure these vital resources are returned to the Chinatown community as soon as possible during this mayoral administration; and

WHEREAS, the five non-profit/cultural tenants who serve thousands of seniors, children and new immigrants every year have challenges finding new locations because of high cost in rent and their services to the Chinatown community are now deeply disrupted, deserve to return to this building as expeditiously as possible; with timeliness of return being a top priority they have articulated that full demolition and rebuilding of 70 Mulberry Street is their preference (letter attached);

WHEREAS, Community Board 3 also received letters from many stakeholders in the immediate area ranging from major local organizations, block association, arts and Cultural associations in support of full demolition of the building including but not limit to : the Chinese Consolidated Benevolent Association of New York who represents 60 family associations in Chinatown, Chinatown Business Improvement District who represents the property owners in the area, and Chinatown Core Block Association who represents nearby residents and small businesses, citing additional reasons that rebuilding as quickly as possible would most beneficial to Chinatown including addressing traffic concern, community development, economic vitality, financial recovering from post COVIC -19 pandemic and etc.

WHEREAS, preservation advocates, including the Lower East Side Preservation Initiative, Friends of the Lower East Side, and the Historic Districts Council, as well as many individuals, have testified in favor of retention and restoration of some floors of the historic building as a base for the new building that has been promised, thus honoring the work of C.B.J. Snyder and the cultural significance of the building to the Chinatown community;

WHEREAS, Community Board 3 held a public hearing on May 14th and heard deep concern from dozens of community leaders and residents, including concern about ongoing meaningful participation in the redevelopment process;

THEREFORE BE IT RESOLVED, that the City of New York retain ownership of this building for community use in perpetuity; and

THEREFORE BE IT FURTHER RESOLVED, that every step of the process of moving this building forward toward redevelopment be done with the full meaningful participation of the prior tenants, residential neighbors, elected officials, and Community Board 3. That participation should be at every phase of the planning from decisions about either the renovation versus the reconstruction, the redesign, the construction, the program and finally the administration and management of the final building; and

THEREFORE BE IT FURTHER RESOLVED, that this community engagement process begin immediately and that DCAS return to CB 3 with a more specific plan describing how this participation would be accomplished no later than the July meeting of the Land Use Committee; and

THEREFORE BE IT FURTHER RESOLVED, that the City must do everything possible to expedite the reconstruction of the property with the goal of reoccupying it within 3 years; and

THEREFORE BE IT FURTHER RESOLVED, that all of the occupants of the building at the time of the fire be guaranteed the right of return upon the completion of the restoration/reconstruction with at least the same square footage and at a cost that is comparable on a square foot basis to the rates charged at the time of the fire; and

THEREFORE BE IT FURTHER RESOLVED, after guaranteeing community facility space for the existing 70 Mulberry Street tenants, the City should explore all opportunities for additional community-serving uses at this location, all of which should be guaranteed in perpetuity; and

THEREFORE BE IT FURTHER RESOLVED, Community Board 3 urges DCAS to continue demolishing the building without further delay until it reaches ground floor, during which an independent structural engineer with historic preservation expertise shall inspect the ground floor structure and produce an inspection report to be made available to Community Board 3

by end of June 2020. The result of this report shall be substantially considered in the future plan for the site of 70 Mulberry Street.

THEREFORE BE IT FURTHER RESOLVED, the city should identify and provide space (that is equivalent in size and price per square foot) to the five (5) tenants in the same general location as soon as possible to ensure the five (5) tenants have physical location to use while the old building is demolished and a new one is constructed.

3. Vote to adjourn
approved by committee

36 YES 2 NO 4 ABS 1 PNV MOTION PASSED (excluding Land Use item 2)

32 YES 9 NO 5 ABS 1 PNV MOTION PASSED (Land Use item 2, with amendments)

12 YES 33 NO 0 ABS 1 PNV MOTION DID NOT PASS (Land Use item 2, return item back to committee)

36 YES 2 NO 4 ABS 1 PNV MOTION PASSED (Land Use item 2)

Transportation, Public Safety, & Environment Committee

1. Approval of previous month's minutes
approved by committee
2. 100 Miles of Open Streets

VOTE: TITLE: To Support Recommending Designated Streets To DOT For Inclusion In The "Open Streets" Program

WHEREAS, in response to COVID-19 social distancing requirements, the City is proposing temporary "Open Street" designations that would close certain public streets to vehicular traffic and open them up to pedestrians and cyclists; and

WHEREAS, on designated "Open Streets," no through vehicular traffic will be permitted during effective hours, typically 8 am to 8 pm, and vehicles will be limited to local deliveries, pick-ups/drop-offs, necessary city service vehicles, utility vehicles, and emergency vehicles only. These drivers are advised to be extremely cautious and to drive 5 MPH or slower; and

WHEREAS, this is meant to address the public health need for more space and social distancing than a typical City sidewalk can accommodate and to create additional open spaces for New York City residents where safe and appropriate social distancing can be observed; and

WHEREAS, this need is expected to be even greater in the coming summer months as residents will not have access to New York City public pools, beaches, or summer camps, and there will likely be a strain on CD 3 parks unless additional open spaces are made available;

WHEREAS, some streets that will not meet agency criteria for approval to be closed as designated "Open Streets" are going to need enhancements to allow adequate social distancing. These streets could be adapted with measures such as removing a lane of parking and other opportunities for increased pedestrian space;

THEREFORE BE IT RESOLVED, Community Board 3 recommends the designation of the following streets as "Open Streets" to be temporarily closed to vehicular traffic or otherwise adapted to permit adequate social distancing on the adjacent sidewalks;

THEREFORE BE IT FURTHER RESOLVED, that the Department of Transportation conduct outreach to the community to inform them of what streets will be closed and when; and

THEREFORE BE IT FURTHER RESOLVED, the City should return to Community Board 3 with any additional proposals for "Open Street" designations going forward.

- East Broadway between Essex/Rutgers and Clinton Street. Adjacent to Seward Park
- Seventh Street between Third Avenue and Avenue A
- Gouverneur Street, between Madison Street and Water Street
- Stanton Street between Allen Street and Essex Street and Essex Street and Pitt Street
- Rivington Street between Bowery Street and Christie Street, Christie Street and Allen Street, Allen Street and Essex Street, and Essex Street and Pitt Street
- Stuyvesant Street
- First Street between Bowery and Houston Street (at Ludlow)
- Fifth Street between Avenue A and Avenue B, and Avenue D to roundabout at Avenue C

- Sixth Street between Avenue A and East River Park
- Bayard Street between Mulberry Street and Bowery
- Pell Street between Mott Street and Bowery
- Doyers Street between Pell Street and Bowery
- Mott Street between Canal Street and Worth Street
- Henry Street between Catherine Street and Oliver Street
- Broome Street between Forsyth Street and Allen Street, and Broome Street between Allen Street and Essex Street
- Hester Street between Forsyth Street and Allen Street, and Hester Street between Allen Street and Essex Street
- Division Street between Canal Street and Bowery
- Eldridge Street between Delancey Street and Grand Street, and Eldridge Street between Grand Street and Canal Street
- Ludlow Street between East Houston Street and Delancey Street, Ludlow Street between Delancey Street and Grand Street, and Ludlow Street between Grand Street and Canal Street
- Orchard Street between East Houston Street and Delancey Street, Orchard Street between Delancey Street and Grand Street, and Orchard Street between Grand Street and Canal Street

3. Vote to adjourn

VOTE: TITLE: RESOLUTION SUPPORTING EXPANSION OF OPEN STREETS PROGRAM & SUGGESTIONS FOR OPERATING PARAMETERS OF EMERGENCY OUTDOOR SPACE FOR COMMERCIAL ACTIVITY

WHEREAS: The COVID-19 public health emergency has created a unique set of hardships for residents, merchants and property owners, and;

WHEREAS: Community Board 3, specifically below E. Houston Street, has limited amounts of public open space, and;

WHEREAS: The need exists to ensure additional public space that can be used for both recreation and commerce in a responsible and appropriate manner where social distancing can be maintained to ensure public health and well-being can be balanced with the need for resumption of economic activity, and;

WHEREAS: This need will continue in the short and medium terms as steps are taken to gradually resume activity levels dependent upon meeting local benchmarks associated with a phased re-opening, and;

WHEREAS: There is a high likelihood that during this phased re-opening establishments' indoor occupancy will be significantly limited, and;

WHEREAS: The Open Streets program recently launched has provided a pilot of how creative use of the roadway can provide opportunities for additional public space;

THEREFORE, BE IT RESOLVED: Community Board 3 supports the creative use of targeted portions of roadway to enhance public space through the continuation and potential expansion of the Open Streets program, and;

BE IT FURTHER RESOLVED: Community Board 3 supports additional program elements such as the use of parking spaces directly adjacent to establishments with limited occupancy for temporary use as outdoor seating constrained to a similar method of operation they have for indoor space during a phased re-opening;

BE IT FURTHER RESOLVED: Community Board 3 supports an expansion of the current Open Streets operating area be expanded to include appropriate commercial activity and longer operating hours between the window of 8am and 10pm daily;

BE IT FURTHER RESOLVED: That any such program expansion have appropriately pre-determined use restrictions that align with an existing establishment's normal operation that encourage the resumption of commercial activity while ensuring limited disruption to residential quality of life that operate no later than 10pm daily on sidewalks or within the road bed directly adjacent to the establishment, and;

BE IT FURTHER RESOLVED: Community Board 3 requests the City and State and their respective agencies with appropriate jurisdiction expeditiously work to enact these programs in the coming weeks to protect and support small merchants as they begin modified operations in the near future, and;

BE IT FURTHER RESOLVED: Community Board 3 requests its active and ongoing consultation and input into program parameters and how different program elements of the Open Streets initiatives operates.

49 YES 0 NO 0 ABS 0 PNV MOTION PASSED (excluding Transportation item 3)

42 YES 1 NO 0 ABS 0 PNV MOTION PASSED (Transportation item 3)

Economic Development Committee

no meeting scheduled

Parks, Recreation, Waterfront, & Resiliency Committee

no meeting scheduled

Health, Seniors, & Human Services / Youth, Education, & Human Rights Committee

no meeting scheduled

SLA & DCA Licensing Committee

1. Approval of previous month's minutes
approved by committee

Alterations

2. Joyface (104 Avenue C Partners LLC), 104 Ave C (op/alt/change method of operation: extend Thurs-Sat hours from 3am to 4am, permit lines outside)
withdrawn
3. El Sombrero (Two Almontes Corp), 108 Stanton St btwn Ludlow & Orchard Sts (op/method of operation: change hours to 11am to 2am Sunday thru Thursday and 11am to 4am Friday and Saturday)

**VOTE: TITLE: Community Board 3 Recommendation To Deny Unless Change Order Agreed To—
Stipulations Attached**

WHEREAS, Two Almontes Corp., doing business as El Sombrero, is seeking a change in the method of operation of its full on-premises liquor license for the premises located at 108 Stanton Street, between Ludlow Street and Orchard Street, New York, New York, to wit changing its hours of operation to 11:00 A.M. to 2:00 A.M. Sundays through Thursdays and 11:00 A.M. to 4:00 A.M. Fridays and Saturdays, and employing one (1) security guard Fridays and Saturdays; and

WHEREAS, the applicant has also applied for an alteration of its full on-premises liquor license, to wit extending its license to the basement of the premises and is also seeking to increase its staff to eight (8) employees; and

WHEREAS, this is an application for a Latin American Mexican restaurant with no listed certificate of occupancy, sixteen (16) tables and forty-four (44) seats, a twelve (12) foot bar with five (5) stools, hours of operation of 12:00 P.M. to 2:00 A.M. Sundays through Thursdays and 12:00 P.M. to 4:00 A.M. Fridays and Saturdays, a kitchen open one (1) hour after opening and to within one (1) hour of closing, windows, two (2) televisions, recorded background music, one (1) security guard Fridays and Saturdays and happy hours to 8:00 P.M.; and

WHEREAS, this applicant was denied a full on-premises liquor license by Community Board 3 in April of 2014 unless the applicant agreed to make as conditions of its license stipulations that it would 1) operate as a full-service Latin American restaurant, with a kitchen open and serving food during all hours of operations, 2) have hours of operation of 12:00 P.M. to 2:00 A.M. all days, 3) play ambient background music only, consisting of recorded music, and not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee would be charged, 4) not commercially operate any outdoor areas, 5) have a closed fixed façade with no open doors or windows, 6) install soundproofing, if needed, 7) not apply for any alteration in its method of operation without first appearing before Community Board 3, 8) have "happy hours" to 8:00 P.M., 9) not host pub crawls or party buses, 10) insure that there are no wait lines outside and designate an employee to oversee patrons and noise on

the sidewalk, and 11) provide a telephone number for residents to call with complaints and immediately address any resident complaints; and

WHEREAS, the applicant was issued a full on-premises liquor license by the SLA on October 31, 2014; and

WHEREAS, a corporate change, in which one of the two partners left the corporation, was administratively approved by Community Board 3 in March of 2019; and

WHEREAS, Community Board 3 has no objection to the extension of the full on-premises liquor license to the basement, understanding that it is for the purpose of storing alcohol; and

WHEREAS, Community Board 3 is concerned that the addition of a security guard to a longstanding full-service restaurant that has never needed one will effect a change in its method of operation; and

WHEREAS, given these circumstances, Community Board 3 would approve this application for a change in the method of operation of this license to amend its hours of operation; now

THEREFORE, BE IT RESOLVED that Community Board 3 recommends the denial of the application for a change in the method of operation of the full on-premises liquor license for Two Almontes Corp., doing business as El Sombrero, for the premises located at 108 Stanton Street, between Ludlow Street and Orchard Street, New York, New York, to wit changing its hours of operation, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulations that

- 1) it will operate a full-service Latin American Mexican restaurant, with a kitchen serving food during all hours of operation,
- 2) its hours of operation will be 11:00 A.M. to 2:00 A.M. Sundays through Thursdays and 11:00 A.M. to 4:00 A.M. Fridays and Saturdays,
- 3) it will not commercially operate any outdoor areas,
- 4) it will close any front or rear façade entrance doors at 10:00 P.M. every night and will otherwise have a closed fixed facade with no open doors or windows,
- 5) it will play ambient background music only, consisting of recorded music, and will not have DJs, live music, promoted events, scheduled performances or any event at which a cover fee will be charged,
- 6) it will not apply for any alteration in its method of operation or for any physical alterations without first appearing before Community Board 3,
- 7) it will not host pub crawls or party buses,
- 8) it will not have unlimited drink specials with food,
- 9) it may have "happy hours" to 8:00 P.M. each night,
- 10) it will ensure that there are no wait lines outside and will designate an employee to oversee patrons and noise on the sidewalk,
- 11) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 12) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints; and

THEREFORE, BE IT FURTHER RESOLVED that Community Board 3 recommends the denial of the application for a change in the method of operation of the full on-premises liquor license for Two Almontes Corp., doing business as El Sombrero, for the premises located at 108 Stanton Street, between Ludlow Street and Orchard Street, New York, New York, to wit adding a security guard to the business.

New Liquor License Applications

4. Spiegel (Ride More Inc), 26 1st Ave (op) withdrawn
5. Corp to be formed by Drew Popkin, 100 2nd Ave btwn E 5th & E 6th Sts (op)

VOTE: TITLE: Community Board 3 Recommendation To Deny

WHEREAS, DP Second Avenue LLC is seeking a full on-premises liquor license to operate a one-story restaurant in the premises located at 100 Second Avenue, between East 5th Street and East 6th Street, New York, New York; and

WHEREAS, the applicant is proposing to operate a French restaurant with a certificate of occupancy of seventy-four (74) people, nineteen (19) tables and fifty-four (54) seats inside

and five (5) tables and ten (10) seats outside at a sidewalk cafe, a twenty-eight (28) foot bar with eleven (11) stools, hours of operation of 12:00 P.M. to 4:00 A.M. Mondays through Fridays and 11:00 A.M. to 4:00 A.M. Saturdays and Sundays, a kitchen open during all hours of operation, recorded background music, four (4) private parties per month and happy hours to 7:00 P.M.; and

WHEREAS, this location was previously a longstanding two-story full-service Indian restaurant with a full on-premises liquor license that operated at this location for more than seventeen (17) years and closed at the end of 2019; and

WHEREAS, the previous licensee at this location surrendered its license to the SLA; and

WHEREAS, there are fifteen (15) full on-premises liquor licenses within five hundred (500) feet of this location per the applicant but there are twenty-seven (27) full on-premises liquor licenses and one (1) pending full on-premises liquor license within five hundred (500) feet of this location per the SLA LAMP map; and

WHEREAS, the applicant has no experience operating a licensed business but stated that it has had numerous years' experience as a consultant and chef at several restaurants; and

WHEREAS, Community Board 3 informed the applicant that it would have to separately apply for a sidewalk café permit and that a sidewalk café would not be considered as part of this application given that there is no preexisting sidewalk café at this location; and

WHEREAS, given that the applicant is proposing to operate a full-service restaurant in a location that was previously operated as a full-service restaurant, Community Board #3 would have approved this application for a full on-premises liquor license with stipulations governing its method of operation, provided that the applicant agree to earlier closing hours Mondays through Thursdays; and

WHEREAS, the applicant has not agreed to the proposed stipulations; now

THEREFORE, BE IT RESOLVED that Community Board #3 recommends the denial of the application for a full on-premises liquor license for DP Second Avenue LLC for the premises located at 100 Second Avenue, between East 5th Street and East 6th Street, New York, New York, because the applicant will not agree to make as conditions of its license the following signed notarized stipulations that

- 1) it will operate as a full-service French restaurant, with a kitchen open and serving during all hours of operation,
- 2) its hours of operation will be 12:00 A.M. to 2:00 A.M. Mondays through Thursdays, 12:00 P.M. to 4:00 A.M. Fridays, 11:00 A.M. to 4:00 A.M. Saturdays and 11:00 A.M. to 2:00 A.M. Sundays,
- 3) it will close any front or rear façade entrance doors at 10:00 P.M. every night and will otherwise have a closed fixed facade with no open doors or windows,
- 4) it will play ambient background music only, consisting of recorded music, and will not have DJs, live music, promoted events, scheduled performances or any event at which a cover fee will be charged and will have no more than four (4) private parties per month,
- 5) it will not apply for any alteration in its method of operation or for any physical alterations without first appearing before Community Board 3,
- 6) it will not host pub crawls or party buses,
- 7) it will not have unlimited drink specials with food,
- 8) it may have "happy hours" to 7:00 P.M. each night,
- 9) it will ensure that there are no wait lines outside and will designate an employee to oversee patrons and noise on the sidewalk,
- 10) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 11) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

6. Entity to be formed by Michael Stackleather, 217 E 3rd St btwn Aves B & C (op)

**VOTE: TITLE: Community Board 3 Recommendation To Deny Unless Change Order Agreed To—
Stipulations Attached**

WHEREAS, an entity to be formed by principal Michael Stackleather is seeking a full on-premises liquor license to operate a restaurant in the premises located at 217 East 3rd Street, between Avenue B and Avenue C, New York, New York; and

WHEREAS, the applicant is proposing to operate a Southern Filipino German restaurant with a certificate of occupancy of seventy-four (74) people, twelve (12) tables and thirty (30) seats, a seven (7) foot by five (5) foot bar with eight (8) stools, hours of operation of 9:00 A.M. to 11:00 P.M. Sundays through Thursdays and 9:00 A.M. to 12:00 A.M. Fridays Saturdays, a kitchen open during all hours of operation, a fixed façade, no televisions and recorded background music; and

WHEREAS, this location is midblock on a residentially zoned street, zoned R8B, but has been occupied by several taverns with full on-premises liquor licenses; and

WHEREAS, the previous licensee was denied a full on-premises liquor license by Community Board 3 in June of 2014 unless the applicant agreed to make as conditions of its license stipulations that it would 1) operate as a tavern art space, with a prep area open and serving food to within one (1) hour of closing, 2) have hours of operation of 4:00 P.M. to 4:00 A.M. all days, 3) play ambient background music only, consisting of recorded music, and not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee would be charged, 4) not commercially use any outdoor areas, 5) have a closed fixed façade with no open doors or windows, 6) not apply for any alteration in its method of operation without first appearing before Community Board 3, 7) have "happy hours" to 6:00 P.M. each night, 8) not host pub crawls or party buses, 9) ensure that there were no wait lines outside and designate an employee to oversee patrons and noise on the sidewalk, 10) employ a security guard during all hours of operation, and 11) provide a telephone number for residents to call with complaints and immediately address any resident complaints; and

WHEREAS, the previous licensee was issued a full on-premises liquor license by the SLA on October 15, 2015; and

WHEREAS, there are thirteen (13) full on-premises liquor licenses within five hundred (500) feet of this location per the applicant but there are fifteen (15) full on-premises liquor licenses within five hundred (500) feet of this location per the SLA LAMP map; and

WHEREAS, the applicant has operated a restaurant, located at 42 Avenue B, New York, New York, since 2015, which was issued a full on-premises liquor license by the SLA on December 22, 2017; and

WHEREAS, the applicant has stated that it is proposing to operate the same business with the same menu in this location as in its existing business to accommodate its growing clientele; and

WHEREAS, given that the applicant is proposing to operate a full-service restaurant with daytime hours of operation and early closing hours in a location that was previously operated with a full on-premises liquor license, Community Board 3 would approve this application for a full on-premises liquor license with stipulations governing its method of operation; now

THEREFORE, BE IT RESOLVED that Community Board 3 recommends the denial of the application for a full on-premises liquor license for an entity to be formed by principle Michael Stackleather, for the premises located at 217 East 3rd Street, between Avenue B and Avenue C, New York, New York, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulations that

- 1) it will operate as a full-service Southern Filipino German restaurant, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 9:00 A.M. to 11:00 P.M. Sundays through Thursdays and 9:00 A.M. to 12:00 A.M. Fridays Saturdays,
- 3) it will close any front or rear façade entrance doors at 10:00 P.M. every night and will otherwise have a closed fixed facade with no open doors or windows,
- 4) it will play ambient background music only, consisting of recorded music, and will not have DJs, live music, promoted events, scheduled performances or any event at which a cover fee will be charged,
- 5) it will not apply for any alteration in its method of operation or for any physical alterations without first appearing before Community Board 3,

- 6) it will not host pub crawls or party buses,
 - 7) it will not have unlimited drink specials with food,
 - 8) it will not have "happy hours,"
 - 9) it will ensure that there are no wait lines outside and will designate an employee to oversee patrons and noise on the sidewalk,
 - 10) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
 - 11) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.
7. Eastern District Operations LLC, 177 Ludlow St btwn E Houston & Stanton Sts (op)

VOTE: TITLE: Community Board 3 Recommendation To Deny Unless Change Order Agreed To— Stipulations Attached

WHEREAS, Eastern District Operations LLC, is seeking a full on-premises liquor license to operate a restaurant in the premises located at 177 Ludlow Street, between East Houston and Stanton Street, New York, New York; and

WHEREAS, this is an application for a Japanese sushi and kaiseki restaurant with no listed certificate of occupancy, thirteen (13) tables and thirty-eight (38) seats, a twelve (12) foot by eleven (11) foot bar with eight (8) stools with kaiseki service and a sushi bar with sixteen (16) stools, hours of operation of 10:30 A.M. to 10:00 P.M. Sundays, 11:30 A.M. to 10:30 P.M. Mondays through Thursdays, 11:30 A.M. to 11:00 P.M. Fridays and 10:30 A.M. to 11:00 P.M. Saturdays, a kitchen open during all hours of operation and recorded background music; and

WHEREAS, the previous licensee was denied a full on-premises liquor license by Community Board 3 in April of 2016 and then denied a wine beer license in August of 2016 because the applicant would not agree to make as conditions of its license stipulations to 1) operate as a full-service burger restaurant, with a kitchen open and serving food during all hours of operation, 2) have hours of operation of 11:00 A.M. to 12:30 A.M. all days, 3) not commercially operate any outdoor areas, 4) close any front façade doors and windows at 9:00 P.M. every night or when amplified sound is playing, including but not limited to DJs, live music and live nonmusical performances, 5) install soundproofing, 6) play ambient background music only, consisting of recorded music, and not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee would be charged, 7) not apply for any alteration in its method of operation without first appearing before Community Board 3, 8) not seek a change in class of its liquor license to a full on-premises liquor license without first obtaining the approval of Community Board 3, 9) have "happy hours" to 7:00 P.M. each night, 10) not host pub crawls or party buses, 11) not have unlimited drink specials with food, 12) insure that there are no wait lines outside and designate an employee to oversee patrons and noise on the sidewalk, 13) have no more than seventy-four (74) patrons in its business at one time, 14) conspicuously post its stipulation form beside its liquor license inside of its business, and 15) provide a telephone number for residents to call with complaints and immediately address any resident complaints; and

WHEREAS, the previous licensee was issued a wine beer license by the SLA on June 15, 2017; and

WHEREAS, the previous licensee was denied a change in class from its wine beer license to a full on-premises liquor license by Community Board 3 in July of 2018; and

WHEREAS, the previous licensee was issued a full on-premises liquor license by the SLA on March 20, 2019; and

WHEREAS, there are thirty-four (34) full on-premises liquor licenses within five hundred (500) feet of this location per the applicant and two (2) pending full on-premises liquor licenses within five hundred (500) feet of this location per the SLA LAMP map; and

WHEREAS, the applicant has operated a business at 43 Bogart Street, Brooklyn, New York with a full on-premises liquor license since 2009, 289 Bleecker Street, New York, New York with a full on-premises liquor licenses since 2012, 95 Monroe Avenue, Brooklyn, New York with a full on-premises liquor licenses since 2013, 32 Varet Street, Brooklyn, New York with a full on-premises liquor licenses since 2014, 596 Lafayette Avenue, Brooklyn, New York with a full on-premises liquor licenses since 2016 and 296 Grand Street, Brooklyn, New York with a full on-premises liquor licenses since 2018; and

WHEREAS, given that the applicant is proposing to operate a full-service restaurant with daytime and early closing hours in a location that was previously operated as a full-service restaurant, Community Board 3 would approve this application for a full on-premises liquor license with stipulations governing its method of operation; now

THEREFORE, BE IT RESOLVED that Community Board 3 recommends the denial of the application for a full on-premises liquor license for Eastern District Operations LLC, for the premises located at 177 Ludlow Street, between East Houston Street and Stanton Street, New York, New York, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulations that

- 1) it will operate as a full-service Japanese restaurant, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 10:30 A.M. to 10:00 P.M. Sundays, 11:30 A.M. to 10:30 P.M. Mondays through Thursdays, 11:30 A.M. to 11:00 P.M. Fridays and 10:30 A.M. to 11:00 P.M. Saturdays,
- 3) it will not commercially operate any outdoor areas,
- 4) it will close any front or rear façade entrance doors at 10:00 P.M. every night and will otherwise have a closed fixed facade with no open doors or windows,
- 5) it will play ambient background music only, consisting of recorded music, and will not have DJs, live music, promoted events, scheduled performances or any event at which a cover fee will be charged,
- 6) it will not apply for any alteration in its method of operation or for any physical alterations without first appearing before Community Board 3,
- 7) it will not host pub crawls or party buses,
- 8) it will not have unlimited drink specials with food,
- 9) it will not have "happy hours,"
- 10) it will ensure that there are no wait lines outside and will designate an employee to oversee patrons and noise on the sidewalk,
- 11) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 12) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

8. Temakase (Temakase NYC LLC), 157 2nd Ave btwn E 9th & E 10 Sts (op)
withdrawn

9. KM1 Hospitality Inc, 58 E 1st St (op)
withdrawn

10. Entity to be formed by Jeff McInnis, 34 Ave B (op)
withdrawn

11. Hotel Chantelle (Good Pal Chantelle Corp), 92 Ludlow St btwn Delancey & Broome Sts (op)

**VOTE: TITLE: Community Board 3 Recommendation To Deny Unless Change Order Agreed To—
Stipulations Attached**

WHEREAS, Good Pal Chantelle Corp., is seeking a full on-premises liquor license to operate a three-story restaurant bar, doing business as Hotel Chantelle, in the premises located at 92 Ludlow Street, between Delancey Street and Broome Street, New York, New York; and

WHEREAS, this is an application for an American restaurant bar with a certificate of occupancy of two hundred ninety-five (295) people on three (3) floors, including a roof top, thirty-nine (39) tables and two hundred (200) seats, three (3) bars with an aggregate twenty-eight (28) stools, a twenty (20) foot by five (5) foot bar in the basement, a twenty-five (25) foot by fifteen (15) foot bar on the first floor and a twenty-five (25) foot by ten (10) foot bar on the roof, hours of operation of 12:00 P.M. to 4:00 A.M. Mondays through Fridays and 11:00 A.M. to 4:00 A.M. Saturdays and Sundays, a kitchen open during all hours of operation, four (4) televisions, live and recorded music and DJs at background levels, happy hours to 7:00 P.M. and eight (8) to ten (10) security guards and stanchions outside; and

WHEREAS, the previous licensee was denied a full on-premises liquor license by Community Board 3 in March of 2008 unless the applicant agreed to make as conditions of its license stipulations that it would 1) have hours of operation of 12:00 P.M. to 4:00 A.M. Mondays through Fridays and 11:00 A.M. to 4:00 A.M. Saturdays and Sundays, 2) operate full-service Asian Fusion dim sum restaurant, serving food to within one (1) hour of closing every night, and 3) enclose its rooftop to create a second story for additional seating; and

WHEREAS, the previous licensee was issued a wine beer license by the SLA on October 13, 2010; and

WHEREAS, a corporate change, in which one of the two partners left the corporation, was administratively approved in October of 2012; and

WHEREAS, the current licensee is selling the business to the applicant that consists of two (2) principles who have worked in the business since it opened and intend to maintain its method of operation and business name; and

WHEREAS, there are twenty-six (26) full on-premises liquor licenses within five hundred (500) feet of this location per the applicant; and

WHEREAS, given that individuals already associated with the business were purchasing it and maintaining its method of operation and business name and given that there were no known recent complaints about or violations for the business, Community Board 3 was prepared to administratively approve the application with stipulations governing its use which included the original stipulations; and

WHEREAS, this application was then calendared for a hearing before Community Board 3 because five (5) community residents and two (2) block associations submitted statements asking that there be a public hearing of this application and questioning its method of operation; and

WHEREAS, a representative of the Orchard Street Block Association and an area resident appeared and expressed concerns about the late-night hours of operation of the business, the legality and continued use of the rooftop and the use of DJs and numerous security guards; and

WHEREAS, the current licensee stated that he had obtained approval from the Department of Buildings for the commercial use of the roof top when the business first opened; and

WHEREAS, given that the applicant has worked in this business since it opened and intends to maintain its method of operation and business name, Community Board 3 would approve this application for a full on-premises liquor license with stipulations governing its method of operation; now

THEREFORE, BE IT RESOLVED that Community Board 3 recommends the denial of the application for a full on-premises liquor license for Good Pal Chantelle Corp., for the premises located at 92 Ludlow Street, between Delancey Street and Broome Street, New York, New York, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulations that

- 1) it will operate as a full-service modern American restaurant, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 12:00 P.M. to 4:00 A.M. Mondays through Fridays and 11:00 A.M. to 4:00 A.M. Saturdays and Sundays,
- 3) it will close any front or rear façade doors and windows at 10:00 P.M. every night or when amplified sound is playing, including but not limited to DJs, live music and live nonmusical performances,
- 4) it will play recorded and live music and may have DJs but will not have promoted events, scheduled performances or any event at which a cover fee will be charged,
- 5) it will not apply for any alteration in its method of operation or for any physical alterations without first appearing before Community Board 3,
- 6) it will not host pub crawls or party buses,
- 7) it will not have unlimited drink specials with food,
- 8) it may have "happy hours" to 7:00 P.M.,
- 9) it will designate an employee to oversee patrons and noise on the sidewalk,
- 10) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 11) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

Items not heard at Committee

12. Black Rose Holdings LLC, 159 E Houston St (op)
administrative approval

13. Brooklyn Dumpling Shop (Brooklyn Dumpling Shop LLC), 131 1st Ave (wb)
administrative approval
14. Vote to adjourn
approved by committee

43 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Landmarks Committee

1. Approval of previous month's minutes
approved by committee
2. Certificate of Appropriateness: 538-540 East 11th Street aka Free Public Baths of the City of New York – removal of blue glazed mosaic tile on entryway walls and ceilings and replacement with hard wood cladding

VOTE: TITLE: To approve the application for a certificate of appropriateness: 538-540 East 11th Street aka Free Public Baths of the City of New York – removal of blue glazed mosaic tile on entryway walls and ceilings and replacement with hard wood cladding

WHEREAS, the Free Public Baths (architect Arnold W. Brunner) was built in 1904-1905 in the neo-Italian Renaissance style, using Indiana limestone on the façade; and

WHEREAS, the designation report, published in 2008, makes no mention of the blue mosaic tile the applicants wish to replace; and

WHEREAS, the blue mosaic tile was installed around 1990 and is not historic; and

WHEREAS, the proposed hard wood cladding would be minimally visible from the exterior of the building; and

WHEREAS, no alteration to the façade of the building is proposed; so

THEREFORE, BE IT RESOLVED, CB 3 has no objection to the project and approves the Certificate of Appropriateness application.

3. Vote to adjourn
approved by committee

43 YES 0 NO 0 ABS 0 PNV MOTION PASSED